BEFORE

THE PUBLIC SERVICE COMMISSION OF

SOUTH CAROLINA

DOCKET NO. 2009-162-E - ORDER NO. 2009-619

AUGUST 31, 2009

IN RE: Melvin Bowens, Complainant/Petitioner, v   )   ORDER GRANTING TEN
South Carolina Electric & Gas Company,   )   DAYS TO RESPOND
Defendant/Respondent.   )
)

This matter comes before the Public Service Commission of South Carolina

("Commission") on the August 18, 2009 request to dismiss the complaint in this case,

filed by South Carolina Electric & Gas Company ("SCE&G" or "the Company"). The

Company asserts that, since Mr. Bowens failed to prefile testimony by his deadline,

SCE&G will not file any testimony. Further, SCE&G requests dismissal of the complaint

for failure of the Complainant to prefile testimony. We deny the request for dismissal at
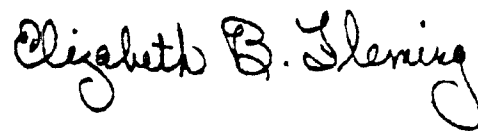
this time.

Mr. Bowen's complaint raised, among other things, issues regarding the Fair

Credit Reporting Act, monetary damages for alleged negligence on the part of SCE&G,

and issues arising under state and federal anti-trust laws, which this Commission lacks

jurisdiction to address. SCE&G's Motion to Dismiss was granted as to these specific

issues. As to the issues raised by Mr. Bowen's complaint regarding clarification and

enforcement of Commission Regulations 103.331 and 103.332, we denied SCE&G's

Motion to Dismiss and set Mr Bowens' complaint for hearing. In preparation for that

hearing, pre-filed testimony deadlines were set. The provision of "pre-filed", i.e., pre-hearing testimony is the deadline that Mr. Bowens has filed to meet.

Mr. Bowens will have ten (10) days from the date of service of this Order on him in this matter to respond to SCE&G's most recent letter on this case, including providing the parties and the Commission with his pre-filed testimony. Failure to meet this deadline may result in dismissal of the complaint and of the case.
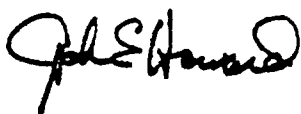
This Order shall remain in full force and effect until further order of the Commission.

BY ORDER OF THE COMMISSION:

Elizabeth B. Fleming

Elizabeth B. Fleming, Chairman

ATTEST:

John E. Howard

John E. Howard, Vice Chairman
(SEAL)